

CHAPTER 466B

SURFACE WATER PROTECTION AND FLOOD MITIGATION

466B.1	Short title.	466B.6	Community-based subwatershed improvement plans.
466B.2	Definitions.	466B.7	Community-based subwatershed monitoring.
466B.3	Water resources coordinating council.	466B.8	Wastewater and storm water infrastructure assessment.
466B.4	Legislative findings and marketing campaign.	466B.9	Rulemaking authority.
466B.5	Regional watershed assessment, planning, and prioritization.		

466B.1 Short title.

[This chapter](#) shall be known and may be cited as the “*Surface Water Protection and Flood Mitigation Act*”.

2008 Acts, ch 1034, §1; 2009 Acts, ch 146, §7

466B.2 Definitions.

For the purposes of [this chapter](#), unless the context otherwise requires:

1. “*Council*” means the water resources coordinating council created in [section 466B.3](#).
2. “*Department*” means the department of natural resources.
3. “*Regional watershed*” means a watershed of hydrologic unit code scale 8.
4. “*Subwatershed*” means a watershed of hydrologic unit code scale 12 or smaller.
5. “*Watershed*” means a geographic area in which surface water is drained by rivers, streams, or other bodies of water.

2008 Acts, ch 1034, §2

466B.3 Water resources coordinating council.

1. *Council established.* A water resources coordinating council is established within the office of the governor.

2. *Purpose.* The purpose of the council shall be to preserve and protect Iowa’s water resources, and to coordinate the management of those resources in a sustainable and fiscally responsible manner. In the pursuit of this purpose, the council shall use an integrated approach to water resource management, recognizing that insufficiencies exist in current approaches and practices, as well as in funding sources and the utilization of funds. The integrated approach used by the council shall attempt to overcome old categories, labels, and obstacles with the primary goal of managing the state’s water resources comprehensively rather than compartmentally.

3. *Accountability.* The success of the council’s efforts shall ultimately be measured by the following outcomes:

- a. Whether the citizens of Iowa can more easily organize local watershed projects.
 - b. Whether the citizens of Iowa can more easily access available funds and water quality program resources.
 - c. Whether the funds, programs, and regulatory efforts coordinated by the council eventually result in a long-term improvement to the quality of surface water in Iowa.
 - d. Whether the potential for flood damage in each watershed in the state has been reduced.
4. *Membership.* The council shall consist of the following members:
- a. The director of the department of natural resources or the director’s designee.
 - b. The director of the soil conservation division of the department of agriculture and land stewardship or the director’s designee.
 - c. The secretary of agriculture or the secretary’s designee.
 - d. The director of the department of public health or the director’s designee.
 - e. The director of the homeland security and emergency management division of the department of public defense or the director’s designee.

f. The dean of the college of agriculture and life sciences at Iowa state university or the dean's designee.

g. The dean of the college of public health at the university of Iowa or the dean's designee.

h. The dean of the college of natural sciences at the university of northern Iowa or the dean's designee.

i. The director of the department of transportation or the director's designee.

j. The director of the department of economic development or the director's designee.

k. The director of the Iowa finance authority or the director's designee.

l. The governor, who shall be the chairperson, or the governor's designee. As the chairperson, and in order to further the coordination efforts of the council, the governor may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings, provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The governor shall also invite and solicit advice from the following:

(1) The director of the Iowa water science center of the United States geological survey or the director's designee.

(2) The state conservationist from the Iowa office of the United States department of agriculture's natural resources conservation service or the state conservationist's designee.

(3) The executive director for Iowa from the United States department of agriculture's farm services agency or the executive director's designee.

(4) The state director for Iowa from the United States department of agriculture's office of rural development or the state director's designee.

(5) The director of region seven of the United States environmental protection agency or the director's designee.

(6) The corps commander from the United States army corps of engineers' Rock Island district or the commander's designee.

m. The dean of the college of engineering at the university of Iowa or the dean's designee.

n. The director of the rebuild Iowa office or the director's designee, until June 30, 2011.

5. *Meetings and quorum.*

a. The council shall be convened by the office of the governor at least quarterly.

b. A majority of the members fixed by statute shall constitute a quorum, and any action taken by the council must be adopted by a majority of the voting membership.

6. *Duties and powers.*

a. The council shall engage in the regular coordination of water resource-related functions, including protection strategies, planning, assessment, prioritization, review, concurrence, advocacy, and education.

b. In coordinating water resource-related functions, the council may do all of the following:

(1) Consider the steps necessary to address the planning, management, and implementation of water resource improvement.

(2) Identify ways to facilitate communication and participation among all water resource stakeholders, including owners of land in Iowa whether they are residents or not.

(3) Identify inefficiencies in current programs and recommend ways to eliminate duplicative services.

(4) Improve the availability and management of water resource information.

(5) Provide incentives for, and recognition of, environmental excellence.

(6) Regularly assess and identify measurable improvements in water quality.

(7) Oversee the complete, statewide regional watershed assessment, prioritization, and planning process described in [section 466B.5](#), including a short-term interim program and a long-term comprehensive state water quality and quantity plan updated every five years as provided in [sections 466B.5](#) and [466B.6](#).

(8) Develop a protocol which identifies high-priority watersheds, including local and community-based subwatersheds, and which appropriately directs resources to those watersheds.

(9) Review best available technologies on a regular basis, so that investments of time

and program resources can be prioritized and directed to projects that will best and most effectively improve water quality and reduce flood damage within regional and community subwatersheds.

(10) Review voluntary, performance-based standards for water resource management, land management, and soil conservation.

(11) Develop a protocol for assigning multiagency teams to regional watersheds and local subwatersheds and guide those teams in the coordination of citizen and agency activities within those watersheds.

(12) Engage in dialogue with, and pursue efforts to make cooperative agreements with, other states when a watershed extends beyond borders of this state.

(13) Enter into agreements and make contracts with third parties for the performance of duties imposed by [this chapter](#).

(14) Prepare a memorandum of understanding identifying the roles and responsibilities of council members in the coordination of the implementation of community-based subwatershed improvement plans. The memorandum shall be a commitment by the agencies participating in council meetings to reach consensus regarding communications with subwatershed planning units.

c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. Policy and funding recommendations shall be submitted to the governor and the general assembly not later than November 15, 2009. The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional floodplain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, drainage and levee districts, agricultural interests, and soil and water conservation districts, and other urban and regional planning experts.

2008 Acts, ch 1034, §3; 2009 Acts, ch 41, §139; 2009 Acts, ch 146, §8 – 12

Referred to in [§28N.3](#), [466B.2](#)

466B.4 Legislative findings and marketing campaign.

1. *Findings.* The general assembly finds all of the following:

a. Most Iowans desire to have improved water quality throughout the state, but many Iowans do not understand the problems with local water quality.

b. Most Iowans believe that the protection of fish and wildlife benefits all Iowans.

c. The benefits of improving water quality could far outweigh the costs of implementing mechanisms to improve it.

d. Most Iowans look to some level of government for the protection of water resources rather than to themselves and their own actions. However, it is not possible or desirable for state government to take complete control and responsibility for water quality.

e. In addition to the use of Iowa land for agriculture and economic development, the land in watersheds and floodplains should be managed to reduce flooding, reduce flood damage, ameliorate the effects of drought, improve water quality, improve habitat and the natural environment, increase renewable energy production, and enhance recreational opportunities.

2. *Marketing campaign.* The water resources coordinating council shall develop a marketing campaign to educate Iowans about the need to take personal responsibility for the quality of water in their local watersheds. The emphasis of the campaign shall be that not only is everyone responsible for clean water, but that everyone benefits from it as well. The goals of the campaign shall be to convince Iowans to take personal responsibility for clean water and to equip them with the tools necessary to effect change through local water quality improvement projects.

3. *Contingent on funding.* The duties imposed in [subsection 2](#) are contingent upon the receipt of funding sufficient to cover the costs associated with the marketing campaign.

2008 Acts, ch 1034, §4; 2009 Acts, ch 146, §13

466B.5 Regional watershed assessment, planning, and prioritization.

1. *Regional watershed assessment program.* The department shall create a regional watershed assessment program. The program shall assess all the regional watersheds in the state.

a. The statewide assessment shall be conducted at the rate of approximately one-fifth of the watersheds per year, and an initial full assessment shall be completed within five years. Thereafter, the department shall review and update the assessments on a regular basis.

b. Each regional watershed assessment shall provide a summary of the overall condition of the watershed. The information provided in the summary may include land use patterns, soil types, slopes, management practices, stream conditions, and both point and nonpoint source impairments.

c. In conducting a regional watershed assessment, the department may provide opportunities for local data collection and input into the assessment process.

2. *Planning and prioritization.* In conducting the regional watershed assessment program, the department shall provide hydrological and geological information sufficient for the water resources coordinating council to prioritize watersheds statewide and for the various communities in those watersheds to plan remedial efforts in their local communities and subwatersheds.

3. *Report to council.* Upon completion of the statewide assessment, and upon updating the assessments, the department shall report the results of the assessment to the council and the general assembly, and shall make the report publicly available.

2008 Acts, ch 1034, §5

Referred to in [§466B.3](#), [466B.9](#)

466B.6 Community-based subwatershed improvement plans.

1. *Facilitation of community-based subwatershed plans.* After the department's completion of the initial regional watershed assessment, and after the council's prioritization of the regional watersheds, the council shall designate one or more of the agencies represented on the council to facilitate the development and implementation of local, community-based subwatershed improvement plans.

2. *Assessment, planning, prioritization, and implementation.* In facilitating the development of community-based subwatershed improvement plans, the agency or agencies designated by the council shall, based on the results of the regional watershed assessment program, identify critical subwatersheds within priority regional watersheds and recruit communities, citizen groups, local governmental entities, or other stakeholders to engage in the assessment, planning, prioritization, and implementation of a local community-based subwatershed improvement plan. The agency or agencies designated by the council may assist in the formation of a group of initial local community-based subwatershed improvement plans that can be implemented as pilot projects, in order to develop an effective process that can be replicated across the state.

2008 Acts, ch 1034, §6

Referred to in [§466B.3](#)

466B.7 Community-based subwatershed monitoring.

1. *Monitoring assistance.* After completion of the statewide regional watershed assessment and prioritization, and throughout the implementation of local community-based subwatershed improvement plans, the department shall assist communities with the monitoring and measurement of local subwatersheds. The monitoring and measurement shall be designed for the particular needs of individual communities.

2. *Data collection and use.* Local communities in which the department conducts subwatershed monitoring shall use the information to support subwatershed planning activities, do local data collection, and identify priority areas needing additional resources.

Local communities shall also collect data over time and use the data to evaluate the impacts of their management efforts.

2008 Acts, ch 1034, §7

466B.8 Wastewater and storm water infrastructure assessment.

The department shall assess and prioritize communities within a watershed presenting the greatest level of risk to water quality and the health of residents. This prioritization shall include both sewered and unsewered communities.

2008 Acts, ch 1034, §8

466B.9 Rulemaking authority.

The department and the department of agriculture and land stewardship shall have the power and authority reasonably necessary to carry out the duties imposed by [this chapter](#). As to the department, this includes rulemaking authority to carry out the regional watershed assessment program described in [section 466B.5](#). As to the department of agriculture and land stewardship, this includes rulemaking authority to assist in the implementation of community-based subwatershed improvement plans.

2008 Acts, ch 1034, §9